

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JAMES FOX, Individually, and on
Behalf of the Class,

Plaintiff,

v.

GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY, a Virginia
Corporation; and DOES 1-10,
inclusive,

Defendants.

No. 2:24-cv-1001 WBS CKD

ORDER

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The court previously stayed this case pending the Ninth Circuit's decision in Small v. Allianz Life Insurance Co. of North America, No. 23-55821. (Docket No. 23.) The Ninth Circuit has now issued its decision, and defendant requests that the stay be lifted. Small v. Allianz Life Ins. Co. of N. Am., 122 F.4th 1182 (9th Cir. 2024), reh'g en banc denied, No. 23-55821 (9th Cir. Feb. 19, 2025). (Docket No. 31.) In light of the Small decision, the stay in this case is hereby LIFTED.

1 A scheduling conference in this case is set for **March**
2 **24, 2025**, at 1:30 p.m. On or before **March 10, 2025**, the parties
3 shall file an updated joint status report addressing the subjects
4 listed in Local Rule 240 and the court's initial order setting a
5 pretrial scheduling conference (Docket No. 12), including
6 proposed dates and deadlines for the remainder of this case. In
7 addition, the parties shall address the implications of Small,
8 122 F.4th 1182, on this case in the updated joint status report.

9 IT IS SO ORDERED.

10 Dated: March 3, 2025



11 **WILLIAM B. SHUBB**

12 **UNITED STATES DISTRICT JUDGE**
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